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**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation**

**Against:**

**THOMAS BORUT, M.D.**

**Certificate #G-25587**

**Respondent.**

**File No: 06-1995-51067**

**DECISION AND ORDER**

**The Stipulated Settlement and Decision is hereby adopted as the Decision and Order of the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs, State of California.**

**This Decision shall become effective at 5:00 p.m. on June 4, 1999.**

**DATED June 4, 1999**

**MEDICAL BOARD OF CALIFORNIA**



**Ira Lubell, M.D., President  
Division of Medical Quality**

BILL LOCKYER, Attorney General  
of the State of California  
RICHARD D. MARINO (State Bar No. 90471)  
Deputy Attorney General  
California Department of Justice  
300 South Spring Street, Suite 5212  
Los Angeles, California 90013-1233  
Telephone: (213) 897-8644

Attorneys for Complainant

**BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation	)	Case No. 06-95-51067
Against:	)	OAH No. L-1998060130
	)	
THOMAS BORUT, M.D.	)	<b>STIPULATED SETTLEMENT</b>
6151 W. Century Blvd., Ste. 200	)	<b>AND</b>
Los Angeles, California 90948	)	<b>DISCIPLINARY ORDER</b>
	)	
Physician and Surgeon's Certificate	)	
No. G25587,	)	
	)	
Respondent.	)	

**IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-entitled proceedings that the following matters are true:

**PARTIES**

1. Complainant Ron Joseph is the Executive Director of the Medical Board of California, Department of Consumer Affairs, State of California (hereinafter the "Board") and brought this action solely in his official capacity. Complainant is represented by the Attorney General of California, Bill Lockyer, by and through Deputy Attorney General Richard D. Marino.

1           2.     Respondent Thomas Borut, M.D. (hereinafter  
2 "respondent"), is represented in this matter by Mark Levin, Esq.,  
3 whose address is Lewin & Levin, 1925 Century Park East, Suite  
4 850, Los Angeles, California 90067-2709.

5           3.     At all times relevant herein, respondent has been  
6 licensed by the Board under Physician and Surgeon's Certificate  
7 No. G25587.

8                               **JURISDICTION**

9           4.     An Accusation in case number 06-95-51067 was filed  
10 with the Division of Medical Quality, Medical Board of  
11 California, Department of Consumer Affairs, State of California  
12 (hereinafter the "Division") on or about February 25, 1998, and  
13 is currently pending against respondent.

14           5.     The Accusation, together with all statutorily  
15 required documents, was duly served on the respondent on or about  
16 February 25, 1998, and respondent filed his Notice of Defense  
17 contesting the Accusation on or about March 2, 1998. A true and  
18 accurate copy of Accusation No. 06-95-51067 is hereto attached,  
19 marked as Exhibit 1, and, by this reference, incorporated herein  
20 as if fully set forth.

21           6.     Respondent and his attorney have fully read and  
22 discussed the charges contained in Accusation No. 06-95-51067.  
23 Respondent has been fully advised regarding his legal rights and  
24 the effects of this Stipulated Settlement and Disciplinary Order.

25                               **ADVISEMENT OF RIGHTS AND WAIVER**

26           7.     Respondent understands the nature of the charges  
27 alleged in the Accusation and that, if proven at hearing, the

1 charges and allegations would constitute cause for imposing  
2 discipline upon his Physician and Surgeon's Certificate.  
3 Respondent is fully aware of his right to a hearing on the  
4 charges contained in the Accusation, his right to confront and  
5 cross-examine witnesses against him, his right to the use of  
6 subpoenas to compel the attendance of witnesses and the  
7 production of documents in both defense and mitigation of the  
8 charges, his right to reconsideration, court review and any and  
9 all other rights accorded by the California Administrative  
10 Procedure Act and other applicable laws.

11 8. Respondent knowingly, voluntarily and irrevocably  
12 waives and gives up each of these rights.

### 13 DISPOSITION OF CHARGES

14 9. For the purpose of resolving Accusation No.  
15 06-95-51067 without the expense and uncertainty of further  
16 proceedings, respondent agrees that, at a hearing, complainant  
17 could establish a factual basis for the charges in the  
18 Accusation, and respondent hereby gives up his right to contest  
19 those charges.

### 20 CIRCUMSTANCES IN MITIGATION

21 10. Respondent has never been the subject of  
22 disciplinary action. He is board certified in pediatrics and  
23 immunology. Accusation No. 06-95-51067 alleges conduct in 1990-  
24 91 which resulted in the only malpractice suit in respondent's 27  
25 year career. Other than the allegations in the accusation, the  
26 Board has received no other complaints regarding respondent.

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**RESERVATION**

11. The stipulations made by respondent herein are for the purpose of this proceeding and any other proceedings in which the Medical Board of California or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceedings.

12. Based on the foregoing stipulated matters, the parties agree that the Division shall, without further notice or formal proceeding, issue and enter the following order:

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Certificate No. G25587, issued to THOMAS BORUT, M.D. is revoked. However, the revocation is stayed and respondent is placed on probation for 35 months, on the following terms and conditions. Within 15 days after the effective date of this decision the respondent shall provide the Division, or its designee, proof of service that respondent has served a true copy of this decision on the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to respondent or where respondent is employed to practice medicine and on the Chief Executive Officer at every insurance carrier where malpractice insurance coverage is extended to respondent.

2. **Psychiatric Evaluation** Within 30 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Division or its designee, respondent shall undergo a psychiatric evaluation (and psychological testing, if deemed necessary) by a Division-appointed psychiatrist, who shall furnish an evaluation report to the Division or its designee. The respondent shall pay the cost of the psychiatric evaluation.

5.

1 designee to undergo psychiatric treatment to ensure patient  
2 safety, respondent shall within 30 days of the requirement notice  
3 submit to the Division for its prior approval the name and  
4 qualifications of a psychiatrist of respondent's choice.

5 Respondent shall undergo and continue psychiatric treatment until  
6 further notice from the Division or its designee. Respondent  
7 shall have the treating psychiatrist submit quarterly status  
8 reports to the Division or its designee indicating whether the  
9 respondent is capable of practicing medicine safely.

10           3.     **Third Party Presence**     During probation, respondent  
11 shall have a third party present while examining or treating  
12 female patients. Respondent shall, within 30 days of the  
13 effective date of the decision, submit to the Division or its  
14 designee for its approval name(s) of persons who will act as the  
15 third party present. The respondent shall execute a release  
16 authorizing the third party(s) present to divulge any information  
17 that the Division may request during interviews by the probation  
18 monitor on a periodic basis.

19           4.     **Obey All Laws**     Respondent shall obey all federal,  
20 state and local laws, all rules governing the practice of  
21 medicine in California, and remain in full compliance with any  
22 court ordered criminal probation, payments and other orders.

23           5.     **Quarterly Reports**     Respondent shall submit quarterly  
24 declarations under penalty of perjury on forms provided by the  
25 Division, stating whether there has been compliance with all the  
26 conditions of probation.

27           6.     **Probation Surveillance Program Compliance**     Respondent shall

1 comply with the Division's probation surveillance program.  
2 Respondent shall, at all times, keep the Division informed of his  
3 addresses of business and residence which shall both serve as  
4 addresses of record. Changes of such addresses shall be  
5 immediately communicated in writing to the Division. Under no  
6 circumstances shall a post office box serve as an address of  
7 record.

8 Respondent shall also immediately inform the Division,  
9 in writing, of any travel to any areas outside the jurisdiction  
10 of California which lasts, or is contemplated to last, more than  
11 30 days.

12 **7. Interview With the Division, Its Designee or Its Designated**

13 **Physicians(s)** Respondent shall appear in person for interviews with  
14 the Division, its designee or its designated physician(s) upon  
15 request at various intervals and with reasonable notice.

16 **8. Tolling for Out-of-State Practice, Residence or In-State Non-**

17 **Practice** In the event respondent should leave California to  
18 reside or to practice outside the State or for any reason should  
19 respondent stop practicing medicine in California, respondent  
20 shall notify the Division or its designee in writing within ten  
21 days of the dates of departure and return or the dates of non-  
22 practice within California. Non-practice is defined as any  
23 period of time exceeding thirty days in which respondent is not  
24 engaging in any activities defined in Sections 2051 and 2052 of  
25 the Business and Professions Code. All time spent in an  
26 intensive training program approved by the Division or its  
27 designee shall be considered as time spent in the practice of



1 medicine. Periods of temporary or permanent residence or  
2 practice outside California or of non-practice within California,  
3 as defined in this condition, will not apply to the reduction of  
4 the probationary period.

5           9.   **Completion of Probation**   Upon successful completion of  
6 probation, respondent's certificate shall be fully restored.

7           10. **Violation of Probation**   If respondent violates  
8 probation in any respect, the Division, after giving respondent  
9 notice and the opportunity to be heard, may revoke probation and  
10 carry out the disciplinary order that was stayed. If an  
11 accusation or petition to revoke probation is filed against  
12 respondent during probation, the Division shall have continuing  
13 jurisdiction until the matter is final, and the period of  
14 probation shall be extended until the matter is final.

15           11. **Cost Recovery**   The respondent is hereby ordered to  
16 reimburse the Division the amount of Five Thousand Dollars  
17 (\$5,000.00) within one (1) year from the effective date of this  
18 decision for its investigative and prosecution costs. Failure to  
19 reimburse the Division's cost of its investigation and  
20 prosecution shall constitute a violation of the probation order,  
21 unless the Division agrees in writing to payment by an  
22 installment plan because of financial hardship. The filing of  
23 bankruptcy by the respondent shall not relieve the respondent of  
24 his/her responsibility to reimburse the Division for its  
25 investigative and prosecution costs.

26           12. **Probation Costs**   The respondent shall pay the costs  
27 associated with probation monitoring each and every year of

1 probation, which are currently set at \$2,304 but may be adjusted  
2 on an annual basis. Such costs shall be payable to the Division  
3 of Medical Quality at the beginning of each calendar year.  
4 Failure to pay costs within 30 days of the due date shall  
5 constitute a violation of probation.

6           13. **License Surrender** Following the effective date of  
7 this decision, if respondent ceases practicing due to retirement,  
8 health reasons or is otherwise unable to satisfy the terms and  
9 conditions of probation, respondent may voluntarily tender his  
10 certificate to the Board. The Division reserves the right to  
11 evaluate the respondent's request and to exercise its discretion  
12 whether to grant the request, or to take any other action deemed  
13 appropriate and reasonable under the circumstances. Upon formal  
14 acceptance of the tendered license, respondent will no longer be  
15 subject to terms and conditions of probation.

#### 16                           CONTINGENCY

17           This stipulation shall be subject to the approval of  
18 the Division of Medical Quality, Medical Board of California,  
19 Department of Consumer Affairs, State of California. Respondent  
20 understands and agrees that staff and counsel for complainant may  
21 communicate directly with the Division regarding this stipulation  
22 and settlement, without notice to or participation by respondent  
23 or his counsel. If the Division fails to adopt this stipulation  
24 as its Order, the stipulation shall be of no force or effect, it  
25 shall be inadmissible in any legal action between the parties,  
26 and the Division shall not be disqualified from further action in  
27 this matter by virtue of its consideration of this stipulation.

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1 ENDORSEMENT

2 The foregoing Stipulated Settlement and Disciplinary  
3 Order is hereby respectfully submitted for the consideration of  
4 the Division of Medical Quality, Medical Board of California,  
5 Department of Consumer Affairs, State of California, .

6 DATED: April 1, 1999 .

7  
8 BILL LOCKYER, Attorney General  
of the State of California

9  
10   
11 RICHARD D. MARINO  
12 Deputy Attorney General

13 Attorneys for Complainant  
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27 Exhibit: Accusation

**EXHIBIT 1**

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 KAREN B. CHAPPELLE, State Bar No. 141267  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Suite 5212  
4 Los Angeles, California 90013-1233  
Telephone: (213) 897-8944

5 Attorneys for Complainant

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO February 25 1978  
BY Charles S. Mather ANALYST

8 BEFORE THE  
9 DIVISION OF MEDICAL QUALITY  
10 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation )  
Against: )

Case No. 06-95-51067

12 THOMAS BORUT, M.D. )  
13 6151 West Century Blvd. Suite 200 )  
Los Angeles, California 90048 )

ACCUSATION

14 Physician and Surgeon's )  
15 Certificate No. G 25587, )

16 Respondent. )

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18  
19 The Complainant alleges:

20 PARTIES

21 1. Ron Joseph ("Complainant") brings this accusation  
22 solely in his official capacity as the Executive Director of the  
23 Medical Board of California (hereinafter the "Board").

24 2. On or about September 6, 1973, Physician and  
25 Surgeon's Certificate No. G 25587 was issued by the Board to  
26 Thomas Borut, M.D. (hereinafter "respondent"). At all times  
27 relevant to the charges brought herein, this license has been in

1 full force and effect. Unless renewed, it will expire on  
2 March 31, 1999.

### 4 JURISDICTION

5 3. This accusation is brought before the Division of  
6 Medical Quality of the Medical Board of California, Department of  
7 Consumer Affairs (hereinafter the "Division"), under the  
8 authority of the following sections of the Business and  
9 Professions Code (hereinafter the "Code"):

10 A. Section 2227 of the Code provides that a  
11 licensee who is found guilty under the Medical Practice Act  
12 may have his license revoked, be suspended for a period not  
13 to exceed one year, be placed on probation and required to  
14 pay the costs of probation monitoring, or have such other  
15 action taken in relation to discipline as the Division deems  
16 proper.

17 B. Section 2234 of the Code provides the  
18 Division shall take action against any licensee who is  
19 charged with unprofessional conduct. Unprofessional conduct  
20 includes, but is not limited to, the following:

21 "(a) Violating or attempting to violate, directly  
22 or indirectly, or assisting in or abetting the  
23 violation of, or conspiring to violate, any provision  
24 of this chapter.

25 "(b) Gross negligence.

26 "(c) Repeated negligent acts.

27 "(d) Incompetence.

1           "(e) The commission of any act involving  
2 dishonesty or corruption which is substantially related  
3 to the qualifications, functions, or duties of a  
4 physician and surgeon. . . ."

5           C.   Section 726 of the Code provides as follows:

6           "The commission of any act of sexual  
7 abuse, misconduct, or relations with a  
8 patient, client, or customer constitutes  
9 unprofessional conduct and grounds for  
10 disciplinary action for any person licensed  
11 under this division, under any initiative act  
12 referred to in this division and under  
13 Chapter 17 (commencing with Section 9000) of  
14 Division 3. . . ."

15           D.   Section 729 of the Code provides in pertinent  
16 part:

17           "(a) Any physician and surgeon,  
18 psychotherapist, . . . or any person holding  
19 himself or herself out to be a physician and  
20 surgeon, psychotherapist, . . . who engages in  
21 an act of sexual intercourse, sodomy, oral  
22 copulation, or sexual contact with a patient  
23 or client, or with a former patient or client  
24 when the relationship was terminated  
25 primarily for the purpose of engaging in  
26 those acts, unless the physician and surgeon,  
27 psychotherapist, . . . has referred the



1 patient or client to an independent and  
2 objective physician and surgeon,  
3 psychotherapist, . . . recommended by a  
4 third-party physician and surgeon,  
5 psychotherapist, . . . for treatment, is  
6 guilty of sexual exploitation by a physician  
7 and surgeon, psychotherapist, . . . ."

8 "For purposes of subdivision (a), in no  
9 instance shall consent of the patient or  
10 client be a defense. However, physicians and  
11 surgeons shall not be guilty of sexual  
12 exploitation for touching any intimate part  
13 of a patient or client unless the touching is  
14 ~~outside the scope of medical examination and~~  
15 treatment, or the touching is done for sexual  
16 gratification. . . . "

17 "(3) 'Sexual contact' means sexual  
18 intercourse or the touching of an intimate  
19 part of a patient for the purpose of sexual  
20 arousal, gratification, or abuse. . . . "

21 E. Section 125.3 of the Code provides that the  
22 Division may request the administrative law judge to direct  
23 any licentiate found to have committed a violation or  
24 violations of the licensing act to pay the Division a sum  
25 not to exceed the reasonable costs of the investigation and  
26 enforcement of the case.  
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1 F. Section 16.01 of the 1997/1998 Budget Act of  
2 the State of California provides, in pertinent part, as  
3 follows:

4 "(a) No funds appropriated by this act  
5 may be expended to pay any Medi-Cal claim for  
6 any service performed by a physician while  
7 that physician's license is under suspension  
8 or revocation due to disciplinary action of  
9 the Medical Board of California.

10 "(b) No funds appropriated by this act  
11 may be expended to pay any Medi-Cal claim for  
12 any surgical services or other invasive  
13 procedure performed on any Medi-Cal  
14 beneficiary by a physician if that physician  
15 has been placed on probation due to a  
16 disciplinary action of the Medical Board of  
17 California related to the performance of that  
18 specific service or procedure on any patient,  
19 except in any case where the board makes a  
20 determination during its disciplinary process  
21 that there exist compelling circumstances  
22 that warrant continued Medi-Cal reimbursement  
23 during the probationary period. . . ."

1 FIRST CAUSE FOR DISCIPLINE

2 (Gross Negligence)

3 4. Respondent, Thomas Borut, M.D., is subject to  
4 disciplinary action pursuant to section 2234, subdivision (b) of  
5 the Code in that he committed acts of gross negligence in his  
6 care and treatment of patient C.L.<sup>1/</sup> The facts and circumstances  
7 are as follows:

8 A. FACTS

9 1. On or about March 12, 1990, patient C.L. saw  
10 respondent, a general practitioner, at Sunrise Medical  
11 Clinic with complaints of muscle spasms, bones cracking,  
12 aches and pains, insomnia, nervousness, and her breasts  
13 filling up with milk. Respondent diagnosed her as having  
14 severe anxiety reaction and prescribed Ativan.

15 2. Patient C.L. continued seeing respondent for  
16 several months at the Sunrise Clinic and, also, the Airport  
17 Clinic for various medical problems, including rashes and  
18 infections. When she became upset and cried because of all  
19 her medical problems, respondent would hug her.

20 3. About May or June 1990, respondent recommended  
21 psychological counseling to patient C.L. When she indicated  
22 she could not afford to pay for counseling, respondent told  
23 her he had done counseling in the past and suggested she  
24 contact him at his hotel if she needed someone to talk to.

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25  
26 1. All patient references in this pleading are by initials  
27 only. The true name of the patient shall be revealed to respondent  
upon his request for discovery pursuant to Government Code section  
11507.6.

1 He told her he would see her at the hotel because he could  
2 not give her enough time at the clinic. Respondent told her  
3 he would not charge her for the counseling sessions.  
4 Patient C.L. thought she needed counseling for personal  
5 issues and because she thought she was dying.

6 4. From about July 1990 until March 1991, patient  
7 C.L. saw respondent for therapy at the Doubletree Hotel in  
8 Orange County. A personal, intimate and sexual relationship  
9 developed.

10 5. Patient C.L. had therapy sessions about once a  
11 week with respondent at the Doubletree Hotel. The sessions  
12 lasted about one to one and a half hours. On occasion, the  
13 sessions lasted two to three hours. Patient C.L. discussed  
14 her personal problems and background of abuse with  
15 respondent. According to the patient's perceptions, a  
16 psychotherapist-patient relationship was established. No  
17 records were kept of the counseling sessions.

18 6. During these counseling sessions, respondent often  
19 said to patient C.L. "I will never hurt you, little one" and  
20 told her she was safe with him. Respondent told C.L. that  
21 she was asexual and incapable of loving anyone, and asked  
22 her sexual questions. She often cried during the sessions  
23 and respondent would hug her.

24 7. During one session at the hotel, respondent  
25 applied pressure to C.L.'s breast, fluid came out,  
26 respondent tasted it and said it was definitely milk. He  
27

1 told her that her breast implants were rubbing against her  
2 glands.

3 8. On one occasion, respondent drew a bath for C.L.  
4 in the spa located in the hotel suite because he thought she  
5 needed to relax. Respondent then got into the spa with her.  
6 Both he and the patient were nude.

7 9. When the patient complained to respondent about  
8 the cracks on her tongue, he kissed her and inserted his  
9 tongue in her mouth, and saying, "If the doctor kisses you,  
10 you must be okay because he would not make himself sick."

11 10. Respondent had patient C.L. stay overnight at the  
12 hotel so he could "figure out" her nightmares. He also gave  
13 her medication to help her sleep.

14 ~~11. During one session when respondent told patient~~  
15 C.L. that he loved her, she felt sick, nauseated and  
16 overwhelmed. During another session, he told her he would  
17 be honored if she had a child with him. Those statements  
18 caused her problems and confusion.

19 12. Patient C.L. and respondent had sexual intercourse  
20 more than once. Respondent also performed oral sex on  
21 patient C.L. The patient thought if respondent performed  
22 oral sex on her, it meant she was not going to die. It made  
23 her feel safe. She also performed oral sex on respondent.

24 13. While she was receiving therapy sessions from  
25 respondent, and during the time they were having a sexual  
26 relationship, respondent continued to provide patient C.L.  
27 with medical treatment. This treatment consisted of the

1 following: examination by respondent of the spots on her  
2 tongue; a pelvic examination; checking her arms; giving her  
3 Vicodin after she had dental work; drawing blood from her  
4 arm when she complained of a sore throat; sending the vial  
5 of blood to the lab; and giving her antibiotics for strep  
6 throat. Respondent ordered and reviewed blood work for  
7 patient C.L. on or about October 19, 1990.

8 14. Patient C.L. always referred to respondent as "Dr.  
9 Borut." She perceived him as a physician who was taking  
10 care of her. She thought she was receiving psychological  
11 counseling from respondent. She did not protest the sexual  
12 relationship with respondent because this relationship made  
13 her feel better and more adequate.

14 15. After patient C.L.'s emotional problems escalated,  
15 respondent wanted to end the relationship. In late 1991 and  
16 early 1992, respondent began to postpone and cancel  
17 appointments with patient C.L. She began to panic and feel  
18 insecure. She went to counseling sessions at a Los Angeles  
19 clinic for a while. Eventually, patient C.L. saw another  
20 therapist and was diagnosed with chronic post-traumatic  
21 stress disorder.

22 16. About December 1991, patient C.L. went to Olive  
23 View Hospital to see a doctor about her breast leakage.  
24 About 1993, after having an MRI performed, a pituitary tumor  
25 was detected on the back of the patient's neck.  
26  
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1                   B.    ACTS OF GROSS NEGLIGENCE

2           During his care and treatment of C.L., respondent committed  
3 the following acts and omissions, which, singularly and  
4 collectively constitute gross negligence:

5                 1.   Respondent violated the boundaries of the  
6 physician-patient relationship by kissing and hugging  
7 patient C.L.

8                 2.   Respondent violated the boundaries of the  
9 physician-patient by relationship by engaging in a sexual  
10 relationship with patient C.L.

11                3.   There was no termination of the physician-patient  
12 relationship before beginning the sexual relationship.  
13 Respondent continued to provide medical examinations,  
14 treatment, and medications for patient C.L. during the time  
15 he saw her at the hotel.

16                4.   Respondent sexually exploited patient C.L. who  
17 believed that if she engaged in sexual activity with  
18 respondent, then she was "okay" and was not going to die.  
19 Respondent led patient C.L. to believe that sexual activity  
20 was part of her treatment.

21                5.   Respondent failed to maintain adequate and  
22 accurate records for patient C.L.

23                6.   The sexual relationship between respondent and  
24 patient C.L. caused the patient to become confused, anxious,  
25 and depressed, and contributed to her psychiatric problems.  
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1           7.    When respondent abandoned patient C.L., she  
2 suffered anxiety and depression which led to suicidal ideas  
3 and post traumatic stress symptoms.

4           8.    Respondent failed to refer the patient to an  
5 independent, objective therapist.

6           9.    Respondent failed to evaluate and conduct proper  
7 testing to determine the cause of patient C.L.'s complaint  
8 of galactorrhea.

9           10.   When patient C.L. complained of galactorrhea,  
10 respondent failed to obtain her medical records from the  
11 obstetrician/ gynecologist who had previously done a work-up  
12 on her for galactorrhea.

13           11.   Respondent failed to check patient C.L.'s  
14 prolactin level to rule out hyperprolactinemia.

15           12.   Respondent dismissed the patient's complaint  
16 galactorrhea as being due to her silicone breast implants.

17           13.   Respondent failed to refer the patient to a  
18 specialist regarding her complaint of galactorrhea.

19           14.   Respondent failed to diagnose the patient's  
20 galactorrhea as being due to a pituitary tumor.

21  
22                   **SECOND CAUSE FOR DISCIPLINE**

23                   (Repeated Negligent Acts)

24           5.    Respondent, Thomas Borut, M.D., is subject to  
25 disciplinary action pursuant to section 2234, subdivision (c) of  
26 the Code in that he committed repeated negligent acts in the  
27 care, management and treatment of patient C.L. as alleged in



1 paragraph 4, subparagraphs A & B, inclusive, of this accusation,  
2 which is incorporated herein by reference.

### 3 4 THIRD CAUSE FOR DISCIPLINE

5 (Incompetence)

6 6. Respondent, Thomas Borut, M.D., is subject to  
7 disciplinary action pursuant to section 2234, subdivision (d) of  
8 the Code in that he committed acts of incompetence in the care,  
9 management and treatment of patient C.L. as alleged in  
10 paragraph 4, subparagraphs A & B, inclusive, of this accusation,  
11 which is incorporated herein by reference.

### 12 13 FOURTH CAUSE FOR DISCIPLINE

14 (Sexual Abuse or Misconduct)

15 7. Respondent, Thomas Borut, M.D., is subject to  
16 disciplinary action pursuant to section 726 of the Code in that  
17 he committed acts of sexual abuse or misconduct with patient C.L.  
18 as alleged in paragraph 4, subparagraphs A & B, inclusive, of  
19 this accusation, which is incorporated herein by reference.

### 20 21 FIFTH CAUSE FOR DISCIPLINE

22 (Sexual Exploitation)

23 8. Respondent, Thomas Borut, M.D., is subject to  
24 disciplinary action pursuant to section 729 of the Code in that  
25 he engaged in acts of sexual exploitation with patient C.L. as  
26 alleged in paragraph 4, subparagraphs A & B, inclusive, of this  
27 accusation, which is incorporated herein by reference.

1                                    **SIXTH CAUSE FOR DISCIPLINE**

2                                    (Failure to Maintain Records)

3                    9.    Respondent, Thomas Borut, M.D., is subject to  
4 disciplinary action pursuant to section 2266 of the Code in that  
5 failed to maintain adequate and accurate records for patient C.L.  
6 as alleged in paragraph 4, subparagraphs A & B, inclusive, of  
7 this accusation, which is incorporated herein by reference.

8  
9                                    **SEVENTH CAUSE FOR DISCIPLINE**

10                                   (Commission of Dishonest or Corrupt Acts)

11                    10.   Respondent, Thomas Borut, M.D., is subject to  
12 disciplinary action pursuant to section 2234, subdivision (e) of  
13 the Code in that he engaged in dishonest or corrupt acts in the  
14 care, management and treatment of patient C.L. as alleged in  
15 paragraph 4, subparagraphs A & B, inclusive, of this accusation,  
16 which is incorporated herein by reference.

17  
18                                   **EIGHTH CAUSE FOR DISCIPLINE**

19                                   (Unprofessional Conduct)

20                    11.   Respondent, Thomas Borut, M.D., is subject to  
21 disciplinary action pursuant to section 2234 of the Code in that  
22 he engaged in unprofessional conduct in the care, management and  
23 treatment of patient C.L. as alleged in paragraph 4,  
24 subparagraphs A & B, inclusive, of this accusation, which is  
25 incorporated herein by reference.

1 **PRAYER**


2 **WHEREFORE**, Complainant requests that a hearing be  
3 held in this matter and that following the hearing, the Division  
4 issue a decision:

5 1. Revoking or suspending Physician and Surgeon's  
6 Certificate Number G 25587 that was issued to respondent Thomas  
7 Borut, M.D.;

8 2. Ordering respondent to pay the Division the actual  
9 and reasonable costs of the investigation and enforcement of this  
10 case, and, if placed on probation, the costs of probation  
11 monitoring;

12 3. Taking such other and further action as the  
13 Division deems necessary and proper.

14 DATED: February 25, 1998

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17 \_\_\_\_\_  
18 Ron Joseph  
19 Executive Director  
20 Medical Board of California  
21 Department of Consumer Affairs  
22 State of California

23  
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25  
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27  
Complainant